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*United States Dept. of State*

MESSAGE  
OF THE  
PRESIDENT OF THE UNITED STATES

COMMUNICATING,

*In compliance with the resolution of the Senate of the 8th instant, information in relation to the emancipation of slaves in Cuba.*

JULY 14, 1870.—Read, ordered to lie on the table and be printed.

*To the Senate of the United States :*

I transmit to the Senate, in answer to their resolution of the 8th instant, a report from the Secretary of State and the papers which accompanied it.

U. S. GRANT.

WASHINGTON, *July 13, 1870.*

DEPARTMENT OF STATE,

*Washington, July 13, 1870.*

The Secretary of State, to whom was referred the resolution of the Senate of the 8th instant, requesting the President, if not incompatible with the public interest, to communicate to that body any information in his possession relating to the emancipation of slaves in Cuba, has the honor to lay before the President the papers mentioned in the annexed list, which contain the information called for by the said resolution.

Respectfully submitted.

HAMILTON FISH.

The PRESIDENT.

*List of accompanying papers.*

I.—DIPLOMATIC PAPERS.

- No. 1. Mr. Fish to General Sickles, June 29, 1869, No. 2, (Extract.)
- No. 2. General Sickles to Mr. Fish, August 12, 1869, No. 5, (Extract.)
- No. 3. General Sickles to Mr. Fish, August 20, 1869, (Telegram.)
- No. 4. General Sickles to Mr. Fish, August 21, 1869, No. 10, (Extract.)
- No. 5. General Sickles to Mr. Fish, September 16, 1869, (Telegram. Extract.)
- No. 6. General Sickles to Mr. Fish, September 25, 1869, No. 22, (Extract.)

No. 7. General Sickles to Mr. Fish, November 3, 1869, No. 31, (Extract.)

No. 8. General Sickles to Mr. Fish, November 17, 1869, No. 34, (Extract.)

No. 9. General Sickles to Mr. Fish, November 28, 1869, (Telegram.)

No. 10. General Sickles to Mr. Fish, December 29, 1869, No. 46, (Extract.)

No. 11. Mr. Fish to General Sickles, January 26, 1870, No. 26, (Extract.)

No. 12. General Sickles to Mr. Fish, May 24, 1870, with an accompaniment.

No. 13. General Sickles to Mr. Fish, May 30, 1870, with accompaniments 1 and 2.

No. 14. Mr. Fish to General Sickles, June 20, 1870, No. 65, (Extract.)

No. 15. General Sickles to Mr. Fish, June 26, 1870, No. 121, with accompaniments 1, 2 and 3.

## II.—CONSULAR AND OTHER PAPERS.

No. 16. Mr. Hall to Mr. Seward, November 18, 1868, No. 82, (Extract.)

No. 17. Mr. Hall to Mr. Washburn, March 11, 1869, No. 4, (Extract.) with an accompaniment.

No. 18. Mr. Plumb to Mr. Fish, September 16, 1869, (Extract,) with an accompaniment.

No. 19. Mr. Davis to Mr. Plumb, September 28, 1869, No. 46, (Extract.)

No. 20. Mr. Plumb to Mr. Davis, October 21, 1869, No. 193, (Extract.)

No. 21. Mr. Biddle to Mr. Davis, May 20, 1870, No. 122, with accompaniments 1 and 2.

No. 22. Extract from a letter to Mr. Davis, May 14, 1870.

## I.—DIPLOMATIC CORRESPONDENCE.

### No. 1.

*Mr. Fish to General Sickles.*

[Extract.]

JUNE 29, 1869.

The President therefore directs you to offer to the cabinet at Madrid the good offices of the United States for the purpose of bringing to a close the civil war now ravaging the Island of Cuba, on the following basis:

1. The independence of Cuba to be acknowledged by Spain.

2. Cuba to pay to Spain a sum, within a time and in a manner to be agreed upon by them, as an equivalent for the entire and definite relinquishment by Spain of all her rights in that island, including the public property of every description. If Cuba should not be able to pay the whole sum at once in cash, the future payments, by installments, are to be adequately secured by a pledge of the export and import customs duties under an arrangement to be agreed upon for their collection, in trust, for the purpose of securing both the principal and interest of those installments until their final discharge.

3. The abolition of slavery in the Island of Cuba.

4. An armistice pending the negotiations for the settlement above referred to.

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## No. 2.

*General Sickles to Mr. Fish.*—(Received August 31.)

[Extract.]

No. 5.]

MADRID, August 12, 1869.

On Sunday, the day after my interview with the minister of state, I made the prescribed visit of ceremony to the president of the council of ministers, Marshal Prim, at his quarters in the war department. After the customary courtesies had been observed, and with the marshal's consent, which was frankly given, the subject of Cuba was introduced. I said I had an important communication from my government looking to a solution of the question, that I was anxious to present as soon as possible. He asked me if it was the same or substantially the same as the one Mr. Forbes had foreshadowed, to which I replied in the affirmative, when, with much animation and even warmth of manner, he protested that Spain would not entertain the suggestion of an armistice with the insurgents, nor consider the question of the independence of Cuba, while the insurgents were in arms against the government; that Spain would grant a full and complete amnesty as soon as the insurgents laid down their arms; and that being done, the whole subject would be open for consideration; that he was disposed to meet the question frankly and practically; that perhaps he was somewhat in advance of the views of his colleagues, but he had no doubt they were unanimous in the hope that the influence of the United States might be successfully exerted to relieve the question from the embarrassment which now surrounded it. He added that, in regard to emancipation, Spain would prefer to leave that matter to the Cubans themselves, saying, "That is your glory in America, the reward of your philanthropy, and we do not wish to deprive you of it."

I then sounded the marshal upon the proposal for a conference in Washington, in which Spain, the United States, and Cuba should be represented; but to this he at once demurred, saying Cuba could only be heard here through her deputies elected to the Cortes; that Spain might treat with the United States, not with Cuba.

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## No. 3.

*General Sickles to Mr. Fish.*—(Received August 20.)

[Telegram.]

AUGUST 20, 1869.

Long interview with president of council to-day. He said the first proposition of Spain was not a preliminary to an agreement with United States, but was a condition of concessions to the insurgents; and that the third proposition was a condition of the independence of Cuba. I again urged acceptance on the basis proposed by the United States. He said that Spain desired the good offices of the United States, and was prepared to see Cuba free, but that the consent of Spain must be given in a manner consistent with her self-respect. He repeated that an armistice with the insurgents was impossible; that emancipation of the slaves could not be separated from other questions now

paramount; and that communication with the insurgents would be permitted after agreement with the United States. Shall report this conversation fully by mail to-day and Sunday. I regard it as essential to a correct appreciation of the views of Spain.

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No. 4.

*General Sickles to Mr. Fish.*—(Received September 7.)

[Extract.]

No. 10.]

MADRID, August 21, 1869.

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In regard to the emancipation of slaves in Cuba it is quite probable that the disinclination of the Spanish cabinet to enter into engagements on the subject at present is attributable in part to the embarrassment such action would cause in Porto Rico, as well as in Cuba, where the slaveholders are generally the most influential partisans of the home government.

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No. 5.

*General Sickles to Mr. Fish.*—(Received September 16.)

[Telegram.]

SEPTEMBER 16, 1869.

Long interview Tuesday with foreign secretary *ad interim*. Notes of conversation subsequently exchanged. Am now able to send *résumé*.

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Spain is ready at once to give Cuba ample reforms and widest liberties enjoyed in peninsula, also general amnesty and gradual emancipation of slaves.

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No. 6.

*General Sickles to Mr. Fish.*—(Received October 12.)

No. 22.]

MADRID, September 25, 1869.

\* \* \* \* \*

General Prim said that it was necessary to proceed gradually and surely. The government was now occupied with various decrees, carrying its liberal policy into effect in Cuba. A decree would soon be issued initiating the gradual abolition of slavery, by giving freedom to all negroes born after date. The government would also soon announce a plan of administrative and municipal reform for Cuba. All this without waiting for the termination of the war.

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## No. 7.

*General Sickles to Mr. Fish.*—(Received November 17.)

No. 31.]

MADRID, November 3, 1859.

\* \* \* \* \*

The commission organized to prepare and report for the consideration of the Cortes a plan of administrative reform for the island of Porto Rico, of which I advised you in my dispatch No. 19, has been dissolved. The Marquis de la Esperanza, one of the deputies of Porto Rico, and a member of the board, informed the secretary of this legation, Colonel Hay, that the commission was unable to agree upon any plan. The disagreement between the government and the provincial members included, among others, the questions of slavery, tariff, and taxation. The decree dissolving the commission, which appeared recently in the Gazette, assigns as the reason for the measure, that the time limited for the sittings of the board has expired. I shall inform you of whatever else may transpire on this subject. It is probable the matter will soon be brought up in the Cortes by the deputies from Porto Rico.

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## No. 8.

*General Sickles to Mr. Fish.*—(Received December 2.)

No. 34.]

MADRID, November 17, 1869.

\* \* \* \* \*

Mr. Becerra replied that already the government had given pledges of its sincerity, in the decree establishing freedom of worship; that he and his colleagues had publicly declared they would proceed with the gradual abolition of slavery, and that reserving for the home government the regulation of purely national concerns, the Cubans should have as much control over their local affairs as is enjoyed by any Spanish province under the constitution.

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## No. 9.

*General Sickles to Mr. Fish.*—(Received November 28.)

[Telegram.]

MADRID, November 28, 1869.

Dispatch mentioned in private letter not received. Nothing new about that matter.

Am authorized by minister of colonies to inform you that government measures for Porto Rico will include local self government, free press, public schools, impartial suffrage, gradual but speedy abolition of slavery, civil and political rights, without distinction of color, domiciled foreigners to vote for town officers after six months' residence, and for members of provincial council after one year. And that these reforms will in good faith be extended to Cuba, when hostilities cease and deputies are chosen in compliance with article one hundred and eight of Spanish constitution.

## No. 10.

*General Sickles to Mr. Fish.*—(Received January 22.)

No. 46.]

MADRID, December 29, 1869.

\* \* \* \* \*

The British minister, Mr. Layard, informed me night before last that he had been instructed by Lord Clarendon to second my suggestions to this government in relation to the abolition of slavery in Cuba and Porto Rico. I replied that all I had said on the subject was unofficial, and so understood by the cabinet; that I had furnished the colonial secretary with a memorandum of the history and results of emancipation in the United States, and had otherwise endeavored to fortify his apparent disposition to deal with the question of colonial reform in a large and liberal sense; that I was, however, rather discouraged by the procrastination of the committee of the Cortes, and of the secretary himself, who seemed, after all, inclined to yield to the representations of the reactionists. Mr. Layard said he had spoken to Mr. Martos on the subject, who had remarked that the government could do nothing in the way of reform or enfranchisement for Cuba while the rebellion was flagrant, without alienating the Spanish party in the island; but that changes of administration in Porto Rico would be radical, and would probably include a measure for the gradual abolition of slavery.

If this be done, the peninsular party in Cuba will have fewer motives to resist the independence of the island; for with slavery abolished in Porto Rico, there would remain little hope of perpetuating it in Cuba. Administrative and social reforms once established in the Antilles, the Spanish element in the islands—that is to say, a portion of the slaveholders and the persons employed in the colonial administration—would have neither the disposition nor the means to resist much longer the realization of the wishes of a great majority of the people of Cuba and Porto Rico.

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## No. 11.

*Mr. Fish to General Sickles.*

No. 26.]

WASHINGTON, January 26, 1870.

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In your interview with Mr. Layard, I notice that, to his statement that he had been instructed by Lord Clarendon to second your suggestion to the Spanish government in relation to the abolition of slavery, you replied that all you have said upon the subject had been unofficial. This naturally causes some surprise in this department, where, from the commencement and through all the stages of negotiations and correspondence, the instructions to make the abolition of slavery a *sine qua non* have been given in the most positive manner.

It is not to be supposed that your remark to Mr. Layard was intended in the broad sense in which it may be interpreted, as implying an absence of instructions from the department on this important subject. If, when the offer of our good offices was withdrawn, you were not instructed to continue to urge the question of abolition, it was because your dispatches indicated that the Spanish cabinet were not then in a



mood to listen to suggestions from Washington. I have regarded it, and still regard it, as your duty under your existing instructions, at all times, whenever in your judgment a fitting opportunity offers, to do all in your power to secure complete emancipation not only in Cuba but also in Porto Rico.

It becomes more apparent every day that this contest cannot terminate without the abolition of slavery. This government regards the government at Madrid as committed to that result. You have several times received positive assurances to that effect from more than one member of that cabinet. They have also promised large and liberal reforms in the Spanish colonial policy. As late as the 3d of December last, the foreign minister thought these promises of enough importance to make them the subject of a cable telegram.

You will, therefore, if it shall appear that the insurrection is regarded as suppressed, frankly state that this government, relying upon the assurances so often given, will expect steps to be taken for the emancipation of the slaves in the Spanish colonies, as well as for the early initiation of the promised reforms, and you will then communicate to Mr. Layard the fact that you have done so.

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No. 12.

*General Sickles to Mr. Fish.*—(Received June 10.)

No. 114.]

MADRID, *May 24*, 1870.

I inclose the text of the proposed constitution for Porto Rico, as presented by the committee to which it was recommitted on the retirement of Mr. Becerra, amended according to the suggestions of Mr. Moret, his successor in the ministry of the colonies. It is placed upon the order of the day, but it is impossible to say when it will be reached. I send also herewith an official copy of the constitution of Spain, to which several references are made in the plan of government for Porto Rico.

Mr. Baldorioty de Castro, the newly elected liberal member for Porto Rico, yesterday introduced a resolution asking that this bill should be called up for immediate discussion. He made a very able and temperate argument in favor of his proposition, setting forth the absolute necessity of some fixed law to govern the island, mentioning several incidents of the present reign of arbitrary caprice, and making earnest reference to the pressing need of some attention to the question of slavery.

The minister of the colonies replied evasively that the insurrection in Cuba had at first prevented action in this matter, and that the discussion of the organic laws for the peninsula had still further delayed it; that, while the government did not intend to abandon or postpone their plan of reform, they must oppose the proposition of Mr. Baldorioty as implying a censure upon the presidency of the chamber.

After a somewhat violent scene between Mr. Figueras (republican) and Mr. Romero Robledo, (Union liberal,) in which they called each other respectively "filibusters" and "Alfonsists," Mr. Baldorioty withdrew his proposition, satisfied with having made known in the chamber the voice of complaint of the island.

You will observe, I am sure, with regret that the proposed constitution not only fails to make any provision for the abolition of slavery, either by the local or general government, but even forbids the public discus-

sion of the subject in the island. The measure betrays distrust of the loyalty of the population, an unwillingness to allow the inhabitants any control in the administration of the island or in the development of its abundant resources, and the strange tenacity with which liberal Spanish statesmen cling to the fatal errors of colonial policy that have alienated, one after another, so many of their Spanish-American possessions from the mother country.

You will notice, for example, that a very large measure of authority is given to the Captain General, appointed by the Crown; that to the Cortes is reserved the right to fix the sum of money to be raised annually in the island, and to collect and appropriate all the money raised; that an act of sedition authorizes the government to suspend all personal rights enjoyed by the inhabitants under the constitution, and to establish military authority over the island; that no provincial militia can be organized without the permission of the home government; that in certain cases the acts of the provincial legislature may be suspended by the royal governor; that by his delegates in the towns he may suspend the ordinances of the municipal councils; that the acts of the provincial deputies, concerning so much of the government of the island as they are permitted to have a voice in, will not be valid without the approval of the Cortes, but may go into operation after the expiration of a year, if not disapproved; and that at any time the royal governor may send away to Spain all persons whose presence in the island he may consider dangerous to public order.

It seems, therefore, that although Porto Rico is declared to be a province of the Spanish monarchy, entitled to representation in the Cortes, it is proposed to continue substantially the old system of rule over the island, altogether exceptional with respect to the constitution of Spain, and not likely to satisfy any American community. It remains to be seen whether even this meager installment of all that this cabinet have professed their willingness to do for their American colonies will be made good; for, however earnest may be the wish of ministers to pass the measure, I fear the present session of the Cortes is too near its end to afford much hope of action on colonial matters. I shall take an early opportunity to renew my representations to the president of the council on the subject, and especially with reference to the slavery question, about which nothing whatever has yet been done, although so much was promised.

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[Inclosure in No. 12.]

*Plan of a law for a constitution for the Island of Porto Rico, newly drawn up by the Committee*

#### TITLE I.

ARTICLE I. The island of St. John of Porto Rico, which forms a part of the national territory, is considered as a province of the Spanish monarchy.

ART. 2. Spaniards residing in Porto Rico enjoy the same rights as those laid down in the constitution promulgated by the Cortes Constituyentes, June 1, 1869, in its Title I, without any limitations save those provided for in this law.

ART. 3. The other provisions contained in said constitution, and relative to the organization of powers, are applicable in the same manner as those laid down in this law, without any further modifications respecting exercise of the same.

ART. 4. The government of the island, and its relations with the metropolis, shall be organized according to the present law, and to those which may hereafter be passed by the Cortes, which can, in no case, alter the constitutional articles, save in accordance with article 110.

## TITLE II.

ART. 5. The territory of the island shall be organized into ayuntamientos,\* or town governments, which shall be established in every centre of population. Their powers shall be the same as those indicated in the law passed by the Cortes, and shall be adjusted on the bases laid down in Title VIII of the constitution.

ART. 6. There shall be a provincial deputation for the whole island. Its powers, beside those laid down in Title VIII of the constitution, shall be amplified by the law, on the following basis:

1. Power to take cognizance, when appealed to, of such municipal decrees as may not be, in themselves, executive.

2. Cognizance of everything relating to the choice and suspension of the ayuntamientos.

3. Power to discuss and propose to the superior local authority, and through it to the central government, in the form of a petition, anything which they may deem conducive to the interests of the island, and which may not be specially defined among their powers. This right shall never extend to political questions.

4. To propose to the superior local authority the individuals who are to discharge the duties appertaining to the cathedral clergy of the island.

5. The right to be consulted for the laying of general taxes, for the modification of those existing, and for any other measure of a financial character which the superior authority may see fit to propose.

6. Power to propose to the superior local authority the modification of any tax.

7. Power to make general regulations, to be obligatory throughout the island.

These measures shall not be valid until they shall have been approved by the Cortes. If one year elapse without their having been approved by the Cortes, they thereby become valid.

8. All other powers laid down in the provincial organic law for the deputations of the Peninsula. -

ART. 7. It is the duty of the municipal authorities and of the deputation respectively to provide for the support of the Catholic religion and of its ministers.

## TITLE III.

## REPRESENTATION OF THE COUNTRY.

ART. 8. The island of Porto Rico shall send deputies to the Cortes, chosen in the proportion fixed for the peninsula.

ART. 9. The island of Porto Rico shall send to the Cortes a number of senators equal to that which each province has a right to send, according to article 61 of the constitution. To this effect, the electoral body of each municipal district shall choose a number of referees, equal to one-sixth of the members who are to compose its ayuntamiento.

ART. 10. The ayuntamientos, the deputations, the deputies to the Cortes, and the referees for the appointment of senators, shall be chosen by those who are able to read and write, or who pay \$8 in direct taxes.

ART. 11. The Cortes shall make a yearly estimate of the expenses of the island of Porto Rico, and of the entire sum to be received as revenue. These estimates shall be presented on the same terms and drawn up in the same manner as specified in Title IX of the constitution; but when the Cortes meet on the 1st of February, the estimates must be presented before the 1st of April.

## TITLE IV.

## GOVERNMENT OF THE ISLAND.

ART. 12. The central power shall be exercised through the medium of civil authorities, which may send their delegates to any point in the territory to which they may see fit.

ART. 13. In cases of sedition or invasion of the territory the civil authority, after having convoked the junta, or board, of authorities, shall resign the command to the military, making an immediate report to the government. In this case all guarantees provided in Title I of the constitution shall be suspended.

ART. 14. The military authority shall not prolong its authority beyond the time necessary to re-establish material tranquility. The board (junta) of authorities, which shall remain in session in the case referred to by the foregoing article, may demand the re-establishment of the civil and judicial authority, and then the responsibility of anything that may happen shall rest with the military authority.

ART. 15. In all other cases in which tranquility may be disturbed, the civil authority may employ force in the manner prescribed by law.

\* The ayuntamiento is composed of a corregidor, or alcalde, and regidores; the former corresponding to a mayor, and the latter to aldermen.

ART. 16. When a state of disturbance is to be feared in the island, the authorities will proceed in accordance with article 31 of the constitution; but the civil authority may, on its own responsibility, send to the Peninsula such persons as it may consider dangerous to public order.

ART. 17. It is the province of the central power, through the agency of its delegates—  
First. To suspend the decrees of the ayuntamientos in the cases provided by law, reporting to the provincial deputation. In cases of crime, it shall immediately submit them to the tribunals.

Second. To suspend any association which may be in the case specified in paragraph 3 of article 19 of the constitution, giving a hearing to the junta of authorities, and reporting to the central government, to the end that the provisions of said articles be obeyed, if it shall so see fit.

Third. To suspend or close any educational establishment which may be in the case indicated in paragraph 3 of the said article 19. In this case it shall immediately deliver up the responsible persons to the courts.

Fourth. To preside without a vote, save in the case of a tie, over the provincial deputation.

Fifth. To convoke said deputation whenever it may think proper, without detriment to the powers which the law grants to said deputation to assemble.

Sixth. To appoint, by itself, ayuntamientos, either in whole or in part, and in like manner the deputation, in cases when, for any cause, said bodies fail to assemble, or do not assemble in sufficient numbers for the transaction of business. In these cases members or provincial deputies only may be appointed, having, respectively, the character of electors.

Seventh. To perform, when necessary, municipal duties, discharging the functions belonging to the ayuntamientos, in case of a refusal to do so on the part of the latter. In this case a report shall always be made to the deputation.

Eighth. To collect, always, and in all cases, the general taxes going to make up the estimated revenue.

Ninth. To have control of the public force.

Tenth. No local force shall be established, except by consent of the central power.

Eleventh. To suspend the decrees of the provincial deputation in the cases provided for by the law.

Twelfth. To maintain the safety and integrity of the island, taking care that the laws be executed, and that the rights of the people be respected.

Thirteenth. To possess all other powers granted by the constitution to the executive power.

## TITLE V.

### PROVISIONAL ARRANGEMENTS.

ART. 18. The government shall make the arrangements necessary to place the constitution on the basis laid down in this law. These arrangements, of which a report will be made to the Cortes on their first meeting, shall be considered as provisional until the vote of the representatives of the nation shall have been given upon them.

ART. 19. In order to put this law into execution, steps shall be taken, in the first place, to organize the ayuntamientos and the provincial deputation.

ART. 20. The rights guaranteed by the present constitution shall not be applicable to individuals who are in a state of servitude, who shall not be permitted to exercise them until six years after having acquired their liberty by any of the means provided by law.

ART. 21. It shall not be lawful to engage in any public discussion by any of the means mentioned in the first paragraph of article 17 of the constitution, which may relate to a separation of the island of Porto Rico from the mother country, or to the integrity of the Spanish territory. Likewise, so long as the state of slavery shall exist, all public discussion relating thereto is prohibited.

### ADDITIONAL ARTICLES.

ART. 22. The amounts fixed by article 8 of the constitution as indemnifications shall be understood in Porto Rico as doubled.

ART. 23. The powers and duties specified in the constitution as belonging to any one of the ministers shall always be understood as belonging to the minister of the colonies in Porto Rican affairs.

PALACE OF THE CORTES, *May 5, 1870.*

MANUEL VALDES LINARES,  
*President.*

JUAN A. HERNANDEZ ARBIZU.

✓ VICENTE ROMERO GIRON.

THE MARQUIS OF SARDOAL, *Secretary.*

## No. 13.

*General Sickles to Mr. Fish.*—(Received June 15.)

No. 116.]

MADRID, *May 30, 1870.*

I have the honor to transmit an official copy of the bill for the abolition of slavery presented to the Cortes on the 28th instant by the minister of the colonies. I also inclose a translation of a short debate that occurred on the same day in relation to the reported emancipation decree of the Captain General of Cuba, of which it seems the government had no information.

Mr. Padial and several of his colleagues from Porto Rico, with whom Mr. Castelar associated himself, notified the government a few days ago of an interpellation on the slavery question, and this bill, which is said to have been prepared some time since, was no doubt introduced to forestall the discussion.

The project of the minister of the colonies is shaped to suit the views of the slaveholders, whose organs and agents express themselves pleased with the moderation and prudence of the measure.

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[Inclosure 1 in No. 13.]

*Extract from report of the session of May 28, 1870.*

MR. PADIAL. I have read in a telegram from Havana that the Captain General of Cuba has published a circular declaring the slaves of the insurgents emancipated, and I wish to know if that officer has made this disposition by his own initiative or by order of the government. I also desire to know if the word *emancipation* is to be understood in its wide sense; that is to say, giving to the slave his civil rights, or, as it is understood in that country, passing the freedmen to a worse condition; because in that case it would result in the distribution of the confiscated chattels among the Cuban volunteers. At the same time I would request that the government would transmit to the chamber, if there is no objection, the notes exchanged with the authorities of Cuba and Porto Rico in regard to reforms in the Antilles.

THE MINISTER OF ULTRAMAR. The government had no other advices of what Mr. Padial refers to than the telegram published in the newspapers, and cannot, consequently, speak with certainty in regard to it without further information. But if the gentleman wishes to know the opinion of the government on the question of slavery, he will be satisfied with the reading of the bill which I shall shortly have the honor to submit to the chamber.

THE MINISTER OF STATE. There is no objection to submitting the correspondence exchanged with the authorities of Cuba and Porto Rico with respect to the colonial question.

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Later in the same day the minister of the colonies presented the inclosed bill for the abolition of slavery.

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[Enclosure 2 in No. 13.]

## PLAN OF A LAW.

ARTICLE 1. All children of slave mothers, born after the publication of this law, are declared free.

ART. 2. All slaves born between the 18th of September, 1868, and the time of the publication of this law, are acquired by the State, by the payment to their owners of the sum of fifty escudos.\*

ART. 3. All slaves who have served under the Spanish flag, or who have in any way aided the troops during the present insurrection in Cuba, are declared free. The State shall pay their value to their masters, if the latter have remained faithful to the Spanish cause; if belonging to the insurgents, they shall receive no indemnity.

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\*Twenty-five dollars, probably.

ART. 4. Slaves who, at the time of the publication of this law, shall have attained the age of sixty-five years, are declared free, without any indemnification to their owners. The same benefit shall be enjoyed by those who shall hereafter reach this age.

ART. 5. All slaves belonging to the State, either as emancipated, or for any other cause, shall at once enter upon the full exercise of their civil rights.

ART. 6. Those persons freed by this law, who are mentioned in articles one and two, shall remain under the control (*patronato*) of the owners of the mother.

ART. 7. The control referred to in the foregoing article imposes upon the person exercising it the obligation to maintain his wards, to clothe them, care for them in sickness, give them primary instruction, and the education necessary to carry on an art or trade. The person exercising the aforesaid control acquires all the rights of a guardian, and may, moreover, enjoy the benefit of the labor of the freedman without making any compensation until said freedman has reached the age of eighteen years.

ART. 8. When the freedman has reached the age of eighteen years, he shall receive half the wages of a free man. Of these wages one-half shall be paid to him at once, and the other half shall be reserved in order to form a capital for him, in the manner to be determined by subsequent regulations.

ART. 9. On attaining the age of twenty-two years, the freedman shall acquire the full enjoyment of his civil rights, and his capital shall be paid to him.

ART. 10. The above-mentioned control is transmissible by all means known in law. Legitimate or natural parents, who are free, may claim control over their children on paying to the person already exercising such control an indemnification for the expenses incurred in favor of the freed person. Subsequent regulations will settle the basis of this indemnification.

ART. 11. The superior civil governor shall form, in the space of one year from the publication of this law, lists of the slaves comprised in articles two and five.

ART. 12. The freed persons mentioned in the foregoing article remain under the control of the State. This control is confined to protecting them, defending them, and furnishing them the means of gaining a livelihood. Those who may prefer to return to Africa shall be conveyed thither.

ART. 13. The slaves referred to in article four may remain with their owners, who shall thus acquire control over them. When they shall have preferred to continue with their former masters, it shall be optional with the latter to give them compensation or not; but in all cases, as well as in that of the freed persons being unable to maintain themselves by reason of physical disability, it shall be the duty of said former masters to feed them, clothe them, and care for them in sickness. This duty shall be a concomitant of the right to employ them in labors suitable to their condition.

ART. 14. If the freedman, of his own free will, shall leave the control of his former master, the latter shall no longer be under the obligations mentioned in the foregoing article.

ART. 15. The government shall provide the means necessary for the indemnifications made necessary by the present law, by means of a tax upon those still remaining in slavery.

ART. 16. Any concealment impeding the application of the benefits of this law shall be punished according to title thirteen of the penal code.

ART. 17. A census of slaves shall be taken, and any one not appearing therein enrolled shall be declared free.

ART. 18. The government shall make a special regulation for the execution of this law.

ART. 19. The government is authorized to take all such measures as it may deem necessary in order to cause the emancipation of persons remaining in servitude after this law shall have taken effect, reporting, at the proper time, to the Cortes.

MADRID, *May* 28, 1870.

The Minister of the Colonies,  
SEGISMUNDO MORET Y PRENDERGAST.

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No. 14.

*Mr. Fish to General Sickles.*

No. 65.]

WASHINGTON, *June* 20, 1870.

I have received your No. 116, relative to the plan proposed by the cabinet of Madrid for the abolition of slavery in the West Indies. This plan falls far short of what this government had a reasonable right to expect. Our advances for this object were met by the Spanish govern-

ment, from the commencement, with a temper and spirit that manifested a desire to cordially co-operate with us in the extirpation of this blot upon the civilization of America.

In the very beginning of your negotiation last year, when you verbally communicated to different members of the Spanish cabinet the bases on which you were authorized to proffer the good offices of the United States, no exception was taken to the demand for emancipation, nor was it objected to during the whole negotiation, although it is true that that government manifested a disposition to treat first of its relations with the insurgents. On the 14th of September last Mr. Becerra assured you that the government and Cortes would devise a scheme for the gradual and entire abolition of slavery; and on the 17th of November you again received the same positive assurance, while the whole tenor of the correspondence and conversations between you and the Spanish government and the different members of the cabinet commits that government to the inauguration of measures aiming at the abolition of slavery in the island of Cuba.

Thus it was that in January last, having received an intimation that it was supposed in Madrid that the insurrection was, or soon would be, quelled, I wrote to you in my No. 26 thus:

It becomes more apparent every day that this contest cannot be terminated without the abolition of slavery. This government regards the government at Madrid as committed to that result. \* \* \* \* \* You will, therefore, if it shall appear that the insurrection is regarded as suppressed, frankly state that this government, relying upon the assurances so often given, will expect steps to be taken for the emancipation of the slaves in the Spanish colonies.

It is with regret that we fail to find in the scheme of emancipation, which is forwarded in your No. 116, evidence of the earnest purpose to abolish slavery, for which your previous dispatches had prepared us. It may rather be called a project for relieving the slave owners from the necessity of supporting infants and aged slaves, who can only be a burden, and of prolonging the institution as to able-bodied slaves.

All the children of slave mothers born after the decree are to be free, but no provision is made for their support.

All slaves born between the 18th of September, 1868, and the publication of the decree may free themselves on their payment of \$50; but it will be seen how delusive this is, when we reflect that to command that sum all of the early and some of the best years of their lives must be spent in servitude.

And lastly, all slaves who reach the age of sixty-five years, when the powers of labor are going, and when they may be supposed to have earned some right to a support in their few remaining years, are to be turned adrift and are given a freedom that may have ceased to be desirable.

While this project does not meet the expectations which this government had formed, I can scarcely believe that it will command the support of the liberals of Spain, under whose auspices the revolution of 1868 was made. The total emancipation which it contemplates is postponed far toward the middle of the next century; and, in the ordinary course of events, this century will have nearly expired before any material impression will have been made upon the status of the existing laboring class on the island.

The President feels it to be the duty of this government to endeavor to impress upon the Spanish cabinet the policy as well as the propriety of making at once provisions for an earlier and more thorough emancipation of slaves. You will state, in a friendly but decided manner, that this government is disappointed in this project; that it fails to meet the ex-

pectations that had been raised by the various conversations with you; that in the opinion of the President it will produce dissatisfaction throughout the civilized world, which is looking to see liberty as the universal law of labor; that it will fail to satisfy or to pacify Cuba; that peace, if restored there, can be maintained only by force so long as slavery exists, and that our proximity to that island, and our intimate relations with it, give us a deep interest in its welfare and justify the expression of our earnest desire to see prevail the policy which we believe calculated to restore peace and to give permanent prosperity.

If, however, your representations shall fail to secure the desired modifications, we shall nevertheless regard this as the entering wedge for the eventual destruction of a pernicious system of labor, and shall hope that Spain will soon see that it is for her interest to go further and faster in the direction of emancipation, and of a wiser and juster system of the relations of labor to capital.

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No. 15.

*General Sickles to Mr. Fish.*—(Received July 12.)

No. 121.]

MADRID, *June 26, 1870.*

The bill for the emancipation of certain classes of slaves in the Spanish colonies became a law on the 23d instant, the last day of the session of the Cortes. Although regarded by the republican press and several ministerial journals as an inadequate measure, it was opposed by a portion, at least, of the slaveholders and their partizans, on the ground that any legislation on the subject was premature in the absence of deputies from Cuba, and dangerous to the cause of Spain while the war of independence was still undetermined. In this there was a sudden change of tactics by the representatives of this interest. At the outset they applauded the scheme as discriminating and prudent, and commended the minister for his discretion in rejecting the more radical and comprehensive programme contemplated by his predecessor. Supported with apparent hesitation by the government, the bill passed substantially as it was proposed by the colonial secretary. I shall forward to the department a copy of the law as soon as it appears in the official gazette.

Among the amendments adopted is one changing from sixty-five to sixty years the age to be attained when those born before September, 1868, become free; another forbids the sale or separation from the mother of children under fourteen years old, and puts certain restrictions on punishment with the lash. The latter was suggested by Mr. Gabriel Rodriguez, a republican deputy, and after an animated discussion, in which the displeasure of the chamber was signally manifested toward a defense of the whipping post attempted by Mr. Plaja, a deputy from Porto Rico, this humane proposition was accepted in substance by the government and adopted without a division.

Section 19 of the original project authorized the executive at any time to abolish slavery. For this Mr. Canovas del Castillo, a distinguished conservative deputy and partizan of the late dynasty, proposed a substitute requiring the government, when Cuba shall be represented in the Cortes, to submit to the chamber a plan of gradual emancipation and providing for compensation to owners. This substitute, omitting the word "gradual," was accepted by the government and adopted.



MM. Padial and Baldorioty, of Porto Rico, joined the leading republican deputies in proposing an amendment emancipating all slaves within the Spanish dominions on the 1st of January, 1872. Their proposition was supported by Señor Castelar in a brilliant speech, from which I send you enclosed herewith an interesting extract, admirably translated by the secretary of this legation, Colonel Hay. This amendment was opposed by the minister of the colonies in an elaborate argument, and was defeated by only thirty votes.

The government found itself somewhat embarrassed in the general discussion by the repeated public declaration of nearly all the prominent personages who took part in the Spanish revolution of 1868, in favor of immediate and unconditional emancipation. And on the 19th November, 1868, two of the present cabinet, including the minister of the colonies, the members of the Spanish Anti-Slavery Society, in a published address to the nation, pledged their inflexible support to the immediate abolition of slavery.

I have not considered it expedient to make any observations to this Cabinet on this scheme. I could not commend it as satisfactory, because it was far from being as comprehensive a measure as was promised me last autumn, before the commencement of the recent campaign in Cuba, and when this government so anxiously deprecated any action on the part of the United States that might help the insurgents. Yet when it became apparent that the slave-holders would employ all their formidable influence against even this partial and preparatory project, I was reluctant to express the disappointment with which I was quite sure you must regard it, lest I might strengthen the hands of the opponents of emancipation by remonstrances which perhaps would have inclined the government to desist from pressing a bill that failed to conciliate the United States and was offensive to the most zealous and influential adherents of the Spanish cause in Cuba. Therefore, while maintaining a strict official reserve on the subject of the proposed law, I lost no proper occasion to encourage the efforts of the friends of emancipation to make sure of this measure, which at least is "the beginning of the end." This government has now for the first time distinctly and practically committed itself to the policy of emancipation, and, in this step toward freedom, it must be a source of just satisfaction to the President that the influence of the United States has been conspicuous and beneficent.

The formal declaration by Spain of the policy of emancipation in her colonies cannot fail to exert a considerable influence upon the struggle for independence. In this opinion I am supported by the views of many intelligent Cuban exiles now residing in Madrid, of whom it is only just to state that although sugar planters and holding large possessions in lands and negroes, they have labored here with diligence and zeal in favor of the immediate abolition of slavery. I learn, indeed, upon good authority, that the general testimony of these exiles in favor of emancipation, considered with relation to their presumed sympathies with the insurgents, and their known desire to see Cuba under the American flag, had great influence in narrowing the scheme of the government to the least possible proportions. Spain found herself in this dilemma—to refuse any measure of emancipation was to break the most solemn engagements to the United States, and perhaps incline that government more to the cause of the insurgents, while in committing herself to the abolition of slavery she associates herself with her enemies in Cuba and gave offense to her most trusted partisans.

I may venture the remark that, at the outset, the issue of the war

was in the hands of the party that proclaimed emancipation to the slaves, and gave civil and political rights and arms to the freedmen. Of course this could not have been done by Spain without making at the same time large political concessions to the white and free colored population of Cuba, for they had no share or voice in the government of the island, and were not allowed to bear arms. And when the insurrection began, opinion was so divided among the insurgents on the question of slavery that the earliest and strongest impulse of the movement, that which followed the revolution in Spain, was almost spent before the influence of Céspedes prevailed in the insurgent councils and emancipation was proclaimed. Formerly, when the insurrectionary party in Cuba were the allies of the pro-slavery party in the United States, the most powerful weapon in the hands of Spain was the proclamation of emancipation that was said to be always ready in the portfolio of the Captain General, to be signed and promulgated in the event of a rising too general to be successfully resisted. It was then said that when Cuba ceased to be Spanish she would be African—never American—for it was supposed that the freedmen, in grateful recognition of this liberty at the hands of Spain, would resent the innumerable wrongs of their servitude upon the Cubans.

But all this changed after our war, when so large a portion of the Cuban population yielded to the inevitable force of the example of the United States, and accepted the abolition of slavery as the indispensable condition of their unchanged desire for annexation to the American Union. From the moment of Lee's surrender the old Spanish threat of emancipation lost its terrors; most of the discontented Cubans became abolitionists, and Spain, governed by the most advanced statesmen who have ever held power in Madrid, has appeared to regard all that remains of her dominion in America to be inseparable from the institution of slavery.

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[Inclosure 1 in No. 121.]

*Extract from the speech of Mr. Castelar in the Constituent Cortes, on the bill for the abolition of slavery, June 20, 1870.*

I wish to present you another example of a decided purpose to accomplish gradual abolition, which was forced to conclude by immediate abolition. I refer to the example of America. The Puritans are the patriarchs of liberty; they opened a new world on the earth; they opened a new path for the human conscience; they created a new society. Nevertheless, when England tried to subdue them, and they conquered, the republic triumphed and slavery remained. Washington could only emancipate his slaves. Franklin said that the Virginians could not invoke the name of God, retaining slavery. Jay said that all the prayers America sent up to heaven for the preservation of liberty, while slavery continued, were mere blasphemies. Mason mourned over the payment his descendants must make for this great crime of their fathers. Jefferson traced the line where the black wave of slavery should be stayed. Still slavery increased, increased continually. I beg that you will pause a moment to consider the man who wiped out this terrible stain which blotted out the stars of the American banner. I beg that you will pause a moment, for his immortal name has been invoked here for the perpetuation of slavery. Ah! the past century has not, the century to come will not, have a figure so grand, because as evil disappears, heroism disappears also. I have often contemplated and described his life. Born in a cabin of Kentucky, of parents who could hardly read; born a new Moses, in the solitude of the wilderness, where all great and obstinate thoughts are forged, monotonous like the desert, and like the desert sublime; growing up among those primeval forests, which, with their fragrance, send a cloud of incense, and with their murmurs a cloud of prayers to heaven; a boatman at eight years in the impetuous current of the Ohio, and at seventeen in the vast and tranquil waters of the Mississippi; later, a woodman, with axe and arm felling the immemorial trees to open a way to unexplored regions for his tribe of wandering workers; reading no other book than the

Bible, the book of great sorrows and great hopes, dictated often by prophets to the sound of chains they dragged through Nineveh and Babylon; a child of nature, in a word, by one of those miracles only comprehensible among free people, he was raised by his fellow-citizens to the Congress at Washington, and by the nation to the Presidency of the republic; and when the evil grew more virulent, when those States were dissolved, when the slaveholders uttered their war cry, and the slaves their groans of despair, the wood-cutter, the boatman, the son of the great West, the descendant of Quakers, humblest of the humble before his conscience, greatest of the great before history, ascends the Capitol, the greatest moral height of our time, and strong and serene, with his conscience and his idea, before him a veteran army, hostile Europe behind him, England favoring the South, France fostering reaction in Mexico, in his hands the riven country, he arms two millions of men, gathers a half million of horses, sends his artillery twelve hundred miles in seven days from the shores of the Potomac to the banks of the Tennessee, fights more than six hundred battles, renews before Richmond the exploits of Alexander, of Caesar; and, after emancipating three million slaves, that nothing might be wanting, he dies in the very moment of victory, like Christ, like Socrates, like all redeemers, at the foot of his work. Sublime achievement, over which humanity shall eternally shed its tears, and God his benedictions! But Lincoln, you will tell me, attempted gradual emancipation. This is true. I never evade the truth. But the privileged classes shut their eyes and opposed it, as they shut their eyes here and oppose every profound and radical reform. And immediate abolition came. When a man of the wisdom and political prudence of Abraham Lincoln appealed to supreme measures, it was because he was convinced that all hope of compromise was gone, that gradual steps are impracticable in reforms demanded by justice and humanity. Since then, the United States having converted their slaves into men, have devoted themselves to converting those men into citizens.

And to-day, gentlemen, those beings who were formerly not even men, are freer than the first of the sons of Europe. Those men who could not learn to read, because the Southern gentlemen murdered any one who would dare to give them a book, have to-day innumerable schools. Those men who were like beasts of burden, wretched as the reptiles that crawled among the cotton and the cane, are free men, are American citizens; they sit in the Congress and the Senate of Washington. The United States have refused to recognize as members of the federation those States which have not in their turn recognized the liberty and equality of the negroes.

You talk to me of exceptional laws. Many have you given to sustain the influence of priests and the tyranny of kings. I admit your exceptions if you will present me four million beasts converted into four million men.

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[Inclosure 2 in No. 121.]

Amendment presented by Mr. Canovas del Castillo, to the twenty-first article of the bill for the abolition of slavery:

“The government shall present to the Cortes, when the Cuban deputies shall have been admitted, a bill for the gradual and compensated emancipation of those who remain in slavery after the establishment of this law.”

The government and committee accepted this amendment, omitting the word *gradual*. In answer to an objection that, in case the Cuban deputies should not arrive for the coming session, the government would find itself embarrassed by the terms of this amendment. The minister of ultramar and Mr. Canovas both replied that the Cortes in that case would be free to act as they thought proper in the matter.

Amendment presented by Mr. Castelar:

“The government shall present, at the opening of the next session, a bill for immediate emancipation. On the 1st of January, 1872, there shall remain no slave in the national territory.”

This amendment was rejected by a vote of 78 to 48.

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[Inclosure 3 in No 121.]

Amendment presented by Gabriel Rodriguez and others:

“By the present law, and pending the termination of slavery in Cuba and Porto Rico, the corporal punishments of the whip, the chain, the block, and the stocks shall be abolished; the sale of children without their mothers, of husbands without their

wives, and *vice versa*, shall also be abolished. The violation of these provisions, properly proven, shall result in the freedom of the slaves who shall have been the subjects of it."

The above amendment, as modified and adopted :

"Pending this emancipation, the punishment of the lash, authorized by article 13 of the regulations of Porto Rico, and its equivalent in Cuba, is suppressed. Nor shall mothers be sold separately from their children who are less than fourteen years of age, nor shall slaves united in marriage be sold separately."

## II.—CONSULAR AND OTHER CORRESPONDENCE.

### No. 16.

*Mr. Hall to Mr. Seward.*—(Received November 27.)

No. 82.]

MATANZAS, *November 18, 1868.*

I am mainly indebted to a Cuban gentleman, of conservative political opinions, for the statements contained in this communication in reference to the extraordinary events at present transpiring in this island, and the opinions prevailing in this locality.

As far as my own information extends, these sentiments are impartial and reliable. The belief that they may prove of interest in the present emergency induces me to communicate them to the department :

The news of the late revolution in Spain was received here with surprise, and no little enthusiasm, by the native Cubans and many Spanish liberals; the Cubans thought they could discern the dawn of a new era, and a radical change of Spanish policy in the government of this island, a feature full of hope for the cause of liberty and enlightened progress, to be realized without resort to arms and bloodshed.

The excitement caused by the information first received soon passed away, and public attention became fixed upon the institution of slavery, and the course likely to be adopted by the Madrid government in regard to it. Naturally, every shade of opinion has been expressed, from the extreme radical—in favor of its immediate abolition—to the propagandist, devoted to maintaining and perpetuating the institution.

The diversity of opinion in regard to slavery is worthy of notice; the more intelligent of the Cubans, including a small number of slaveholders, are in favor of immediate abolition; they contend that it is not only an obligation due to justice and humanity, but a measure of sound policy that would be attended with less danger to the peace and good order of the island than others of prospective emancipation; that it would obviate all inducement to insurrection on the part of the blacks, and that any perturbation of the present system of labor could be easily arranged without materially reducing the productions of the island.

They claim, too, that the African slave trade will only finally and definitely cease with the unconditional abolition of slavery in the island, where, alone, it meets with any encouragement.

They believe that, while slavery exists, there will be no government established here in which they can have a voice; that the island will continue to be governed by a repressive, censorious system, under pretext of preserving order; in other words, the forcible submission of the blacks, to the exclusion of all the rights and privileges of free government.

The generality of slave owners, Cubans as well as Spaniards, favor a plan of emancipation that will extinguish the institution in ten years, all born from and after the date of the decree to be declared free; they believe that by this plan the social transition may be gradually and insensibly effected without serious injury to proprietors, whose interests are, or should be, considered identical with the general welfare of the island. This conservative class care very little about the advantages of free government, as long as they are protected in their material interests, and the immediate abolition of slavery is not attempted; they believe, also, that during the proposed period of ten years, European emigrants may be induced to come to the island and adopt agricultural pursuits; meanwhile they trust that the tranquillity of the island will remain unaltered and its resources developed.

A few Cuban and many Spanish proprietors oppose all plans interfering with their favorite institution; the most that they will consent to, and that with much reluctance, is a decree of freedom to all born from and after a date yet to be fixed upon. This class still persists in reviving the African slave trade, to which many of them owe their fortunes. It is known that they have sent commissioners to Madrid to protest against any plan of abolition or emancipation, differing from their own, that may be proposed. They desire the perpetuation of slavery, under the conviction that not only their own prosperity depends upon it, but because the independence of the island would be next to an impossibility while the present system remains unchanged. With the loss of the island they know that Spain and her subjects would lose the languid influence they still maintain in the western hemisphere.

While the whites at the clubs, in public places, and at their own houses, discuss this question with little reserve, the other race, free and slave, listen in silence, not a few of them appearing to understand the question as well as their masters. It is believed that, should a just and equitable system of emancipation be adopted, they will remain quiet; but, should other counsels prevail, their peaceable submission can hardly be expected.

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No. 17.

*Mr. Hall to Mr. Washburne.*

No. 4.]

HAVANA, March 11, 1869.

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I have the honor to accompany herewith a copy and translation of a document, purporting to be a decree of the Cuban insurgents' assembly, abolishing slavery in this island.

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[Inclosure in No. 17.]

[Translation.]

The institution of slavery, introduced into Cuba by Spanish dominion, must be extinguished along with it. The assembly of representatives of the center, having in view the eternal principles of justice, in the name of the liberty and the people that it represents, decrees:

1. Slavery is abolished.
2. The owners of those who have been slaves will be indemnified in due time.
3. All those who by this decree obtain their freedom will contribute their efforts to the independence of Cuba.
4. To this end, those who may be found apt and necessary for military service will enter our ranks, enjoying the same compensation and the same consideration as other soldiers of the liberal army.
5. Those who are not destined to military service will continue while the war lasts at the same labors in which they are now employed, to preserve estates in a productive condition, and thus provide subsistence to those who offer their blood to the cause of common liberty, a duty imperative alike on all those citizens now free, of whatever race, exempt from military service.
6. A special regulation will prescribe the details in regard to the execution of this decree.

Patria y Libertad, Camaguey, February 26, 1869.

The assembly: Salvador de Cisneros, Eduardo Agramonte. Ignacio Agramonte, Francisco Sanchez, Antonio Zambrana.

General A. CASTILLO.

No. 18.

*Mr. Plumb to Mr. Fish.*

HAVANA, September 16, 1869.

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I find that there was published here in the "Diario de la Marina," of the 14th of July last, the only version of the insurgent constitution which I have seen or known of appearing in the Spanish papers of the island.

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In this constitution, as so published, it appears by article 24 that "All the inhabitants of the republic are entirely free," and so is in harmony with the previous proclamations referred to in Mr. Hall's and Mr. La Reintrie's dispatches. It does not appear to me to be likely that any other copies than that I now send of the constitution, and those sent by Mr. La Reintrie and Mr. Hall of the proclamations issued, can have been published here, that are any differently worded with reference to slavery; for these, in the manner in which they have been procured, appear to have been designed for circulation on the island rather than especially to be sent abroad.

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[Inclosure in No. 18.]

[Diario de la Marina, Havana, July 14, 1869.—Translation.]

The Bandera Española, of Santiago de Cuba, publishes a curious document, which is said to have been found in Del Gollo street, copied on a half sheet of paper, torn at the creases where it had been folded, dirty and greasy. It is nothing less than the "Constitution of the Cuban Republic," and is as follows:

"CUBAN REPUBLIC."

*"Political constitution which shall remain in force during the war of independence.*

"ARTICLE 1. The legislative power shall reside in a house of representatives.

"ART. 2. Each of the four States into which the island is henceforth divided shall be equally represented in the house.

"ART. 3. These States are: Oriente, Camagney, Las Villas, and Occidente.

"ART. 4. Only citizens of the republic, above twenty years of age, can be representatives.

"ART. 5. No representative can hold any other office under the republic.

"ART. 6. When a vacancy shall occur in the representation of any State the executive of the same shall prescribe measures for a new election.

"ART. 7. The house of representatives shall appoint the president, vested with the executive power, the general-in-chief, the president of the sessions, and its other officers. The general-in-chief is subordinate to the executive, and must make reports to him of his operations.

"ART. 8. The following persons shall be impeached before the house of representatives, if occasion therefor arises: The president of the republic, the general-in-chief, and the members of the house. This impeachment may be made by any citizen; if the house find it worthy of attention it shall submit the party impeached to the judicial power.

"ART. 9. The house of representatives may depose at pleasure the functionaries whose appointment belongs to it.

"ART. 10. The legislative enactments of the house require, in order to become valid, the sanction of the president.

"ART. 11. If they do not obtain it they shall be returned to the house for further deliberation, when the objections presented by the president shall be considered.

"ART. 12. The president is obliged to give or refuse his approval to any law which shall be proposed, within ten days.

"ART. 13. Any resolution (law) having been passed by the house a second time, the president shall be obliged to sanction it.

"ART. 14. The following shall always be matters to be settled by law: Taxes, public loans, the ratification of treaties, the declaration and conclusion of war, the authorization of the president to grant letters of marque and reprisal, the raising and maintaining of troops, the providing and sustaining of a fleet, and the declaration of reprisals against an enemy.

"ART. 15. The house of representatives declares itself in permanent session from the moment when the representatives of the people shall ratify this fundamental law until the close of the war.

"ART. 16. The executive power shall reside in the president of the republic.

"ART. 17. Any one, in order to be president, must be at least thirty years of age, and have been born in the island of Cuba.

"ART. 18. The president may make treaties, with the ratification of the house, *i. e.*, subject to the ratification of the house.

"ART. 19. He shall appoint ambassadors, public ministers, and consuls of the republic in foreign countries.

"ART. 20. He shall receive ambassadors, take care that the laws be faithfully executed, and send his dispatches to all officers of the republic.

"ART. 21. The secretaries of the government (of state, &c.) shall be nominated by the president and appointed by the house.

"ART. 22. The judicial power is independent; its organization shall be the object of a special law.

"ART. 23. In order to become an elector the same conditions are required as in order to be elected.

"ART. 24. All the inhabitants of the island are entirely free.

"ART. 25. All citizens of the republic are considered as soldiers of the liberating army.

"ART. 26. The republic recognizes no dignities, special honors, or privileges.

"ART. 27. Citizens of the republic shall receive no honors or distinctions from a foreign country.

"ART. 28. The house cannot assail religious liberty, the freedom of the press, the right of petition, nor any other inalienable right of the people.

"ART. 29. This constitution may be amended whenever the house shall unanimously so determine.

"This constitution was voted for in the free town of Guáimaro, on the 10th of April, 1869, by the citizens Carlos M. de Céspedes, president of the constituent assembly, and the citizen deputies Salvador, Cisneros, Betancourt, Francisco Sanchez, Miguel Betancourt Guerra, Ignacio Agramonte Ceiman, Antonio Zambrana, Jesus Rodriguez, Antonio Alcalá, José Izaguirre, Honorato Castillo, Miguel Geronimo Gutierrez, Avindio Garcia, Tranquilino Valdés, Antonio Lorda, and Eduardo Machado Gómez."

The Bandera Española adds:

"It is said to have been voted for by the citizen Carlos M. de Céspedes, (the Most Excellent is here wanting; what irreverence!) and the citizen deputies, &c. We are not informed, however, nor do we know, nor does any one know, where, when, or how the voting took place in the various towns of the island in order to elect these gentlemen, who, as the constitution says, are called deputies. Of what districts, of what departments, of what towns, are these citizen deputies the representatives? Who elected them? Who gave them the right or authority to palm themselves off upon the country as representing the opinion of the majority? Heaven help us! Everything done by our revolutionists must be something absurd and ridiculous."

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No. 19.

*Mr. Davis to Mr. Plumb.*

No. 46.]

WASHINGTON, September 28, 1869.

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We are also informed from Madrid that a decree will be projected forthwith for the immediate abolition of slavery, while the general tenor of the information from Cuba is the other way.

It is of great importance that the department should know at an early date how far the news from Madrid can be depended on. You will, therefore, please ascertain, so far as you can do so without exciting suspicion, whether the purposes of the cabinet at Madrid in these

important respects are known in Cuba, and whether they are or can be carried out. I need not point out to you how delicate an investigation this is; how sensitive the Spanish authorities may be at even the instigation of an inquiry; how important it may be for them that the matter should be kept a profound secret until they are ready to act; nor how cautiously you must move in taking any steps under these instructions. Indeed, I should hardly feel justified in giving you any instructions on so delicate a subject were it not that the late public news from Cuba—later than any dispatches from you—seems to indicate that there is some movement going on under the surface which has not yet been made public.

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No. 20.

*Mr. Plumb to Mr. Davis.*—(Received October 29.)

No. 193.]

HAVANA, *October 21, 1869.*

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With reference to the question of slavery, I have found but one opinion here, and that is, that its abolition is now a question only of whether it shall be immediate, or extend over a period of, say, five or more years. I think the opinion is almost universal that it would be safer for all interests that the measure should be made gradual, freeing at once all born hereafter, and, by a system of regulated labor, accomplishing total emancipation within a brief term of years.

There is also opposition to the question being touched until the deputies from this island can be heard in the Cortes regarding it, and therefore a belief that it should be deferred until the insurrection shall have been put down.

One of the largest, if not the largest, slaveholder on the island, in conversation with me some time since, stated that he would be entirely willing to accept abolition effected in a term of five years, and I have met no one yet who does not admit the measure, if accomplished in this manner, to be not only necessary but desirable.

But I do not find any expression of belief in official quarters that a declaration of immediate, total abolition would be practicable, and I can hardly think the government of Spain designs to treat the question in that way.

With tranquillity here, and as a measure to be accomplished within a period of five or eight years, I do not think the question of the abolition of slavery on this island would present any serious difficulties, nor would it, in this manner, be attended, it is believed, with any great disturbance of the labor or the production of the island.

There certainly does not exist here now any extended belief in the possibility of the preservation of the institution, and the character of the present government of Spain would appear to render its early termination certain, so far as may depend upon action from that quarter. By immediate abolition, as referred to in your dispatch, may be meant the freedom of all born after the date of the decree, as also, perhaps, total emancipation within a brief period. Instantaneous abolition, while it might, if there is tranquillity, not be so destructive to labor here as it is elsewhere, would yet, it is believed, create great apprehension and disorganization, as also political dissatisfaction.

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## No. 21.

*Mr. Biddle to Mr. Davis.*—(Received May 26.)

No. 122.]

HAVANA, *May 20, 1870.*

I have the honor to transmit herewith, for your information, a copy and translation of a proclamation, dated the 14th instant, at Puerto Principe, and issued by Captain General de Rodas, emancipating such slaves, belonging to insurgents and their foreign aids, who have tendered their services to the Spanish armies in Cuba.

I also transmit a copy and translation of a spirited article from the *La Discusion*, of Madrid, of April 6 ultimo, on the subject of the abolition of African slavery in Cuba.

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[Inclosure 1 in No. 20.]

[Translation.—Official.]

SUPERIOR POLITICAL GOVERNMENT OF THE PROVINCE OF CUBA.

Consonantly to the information from the most excellent council of administration, and in exercise of the extraordinary powers with which I am invested, I decree as follows:

SOLE ARTICLE. All slaves belonging to persons involved in the insurrection or in foreign countries acting in behalf of the same, and who have taken up arms to accompany our forces, as well as those who have served as guides to the same, or given any other service important to the war, which may be understood or held as analogous with the purport of the law No. 3, chapter 22, part 4, section 4, shall be declared free.

For the fulfillment of the above decree, the commanders of columns or the lieutenant governors shall avail themselves of convenient opportunity to recognize the services tendered by each one of these slaves, as well as the individual to whom it may concern, and to bring the same to the knowledge of the superior government for its favorable consideration.

CABALLERO DE RODAS.

PUERTO PRINCIPE, *May 14, 1870.*

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[Inclosure 2 in No. 20.]

[From the *La Discusion*, of Madrid, of April 26, 1870.]

There is a party in Cuba, a party in Spain, that labors incessantly against reforms in our Antilles. That party is the "negro" party, the partisans of slavery, of those who have made immense fortunes out of the blood and sweat of their fellow-beings. They control the press, and would also control the government. But that party will not realize its purpose. Happen what may, slavery will be abolished! Spain will not sustain that infamous institution that debases her in the eyes of all enlightened and civilized nations.

It is clear the members of the clubs, "casinos," of Havana, Cardenas, &c., do not like the idea of becoming citizens of the United States; they prefer to be our compatriots as long as we will maintain slavery and their special system of government.

Let Spain suppress slavery; let her establish in that distant region an honest, liberal, and just administration, and then we will see how these worthy patriots, whose only occupation is buying and selling their fellow-beings, will curse us.

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No. 22.

*Extract from a letter to Mr. Davis.*—(Received May 20.)

HAVANA, *May 14, 1870.*

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Bank-notes are now at a depreciation of from  $2\frac{1}{2}$  to 3 per cent., and gold rising in price.



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This latter *is said* to be caused by a very large draft upon the Madrid government upon the Cuban treasury, who are of course buying largely all the exchange they can get upon Europe. It is *whispered* that this draft amounts to ten millions of dollars, and that a condition has been made by the Madrid government to the effect that, if said sum be *at once* provided for, nothing will be done at Madrid in furtherance of the proposed constitution for Porto Rico, or for the abolition of negro slavery in Cuba, anything to the contrary notwithstanding.

This statement is hypothetical, but I have it from respectable authority.